

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

This Document Relates to All Class Actions

MASTER FILE NO. 1:05-md-1720-JG-JO
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**NOTICE OF MOTION TO DISMISS SECOND CONSOLIDATED
AMENDED CLASS ACTION COMPLAINT AND TO STRIKE
CHASE PAYMENTECH SOLUTIONS, LLC AS A DEFENDANT**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law in Support of Motion to Dismiss Second Consolidated Amended Class Action Complaint, the undersigned defendants will move this Court before the Honorable James Orenstein on a date and time to be designated by the Court, in the United States Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201 for an Order pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss the Second Consolidated Amended Class Action Complaint dated January 29, 2009, in its entirety; and that, upon the accompanying Memorandum of Law in Support of Chase Paymentech Solutions, LLC's Motion to Strike, Chase Paymentech Solutions, LLC will move this Court before the Honorable James Orenstein on a date and time to be designated by the Court, in the United States Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201 for an Order pursuant to Fed. R. Civ. P. 12(f) to strike those portions of the Second Consolidated Amended Class Action Complaint,

the First Amended Supplemental Class Action Complaint, and the Second Supplemental Class Action Complaint that name it as a defendant.

PLEASE TAKE FURTHER NOTICE that defendants request oral argument of this motion.

Dated: New York, New York
March 31, 2009

Respectfully submitted,

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¹ The defendants understand that, on September 26, 2008, defendant Washington Mutual, Inc. filed a voluntary petition under Chapter 11 of Title 11 of the United States Code in the United States Bankruptcy Court for the District of Delaware and, therefore, that the automatic bankruptcy stay, 11 U.S.C. § 362, applies to plaintiffs' claims against Washington Mutual, Inc. The matter is currently pending in that court as Bankruptcy Case No. 08-12229-MFW.